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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,407

10/08/2003

Curtis A. Roth

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7412

7590

07/06/2005

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EXAMINER

BOLLINGER, DAVID H

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/681,407

Applicant(s)

ROTH, CURTIS A.

Examiner

David H. Bollinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 9, 10 and 15 through 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiltmann et al.

Hiltmann et al discloses a sheet deceleration apparatus comprising: a first roller 2 or 3 rotatable about a first axis perpendicular to the travel path of the sheets and positioned on one side to the travel path; a second rotatable roller (the other of 2 or 3) rotatable about a second axis perpendicular to the travel path and position on the other side of the travel path from the first roller; at least one of the rollers being moveable relative to and toward the other roller to nip the sheet between the rollers. See Figure 1.

3. Claims 1 through 6, 9 through 12 and 15 through 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Frye et al.

Frye et al discloses a sheet deceleration apparatus comprising: a first roller 172 which is not driven and is rotatable about a first axis perpendicular to the sheet travel path and positioned on one side of the sheet travel path; a second roller 192 which is driven and is rotatable about a second axis perpendicular to the sheet travel path and positioned on the other side of the sheet travel path from the first roller; and at least one of the rollers (172 in Frye et al) being moveable relative to and toward the other roller 192 to nip the sheet between the rollers

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during at least a portion of the travel of the sheet. See Figure 4 and page 8 line 10 through page 9 line 14.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiltmann et al.

Hiltmann et al as interpreted above in paragraph 2 teaches everything except being employed with a rotary press. The use of Hiltmann et al with a rotary press is considered an obvious use of the sheet stacking device for one of ordinary skill in the art since it is well known that such stacking apparatus are employed to stack the output from rotary presses.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye et al.

Frye et al as interpreted above in paragraph 3 teaches everything except being employed with a rotary press. The use of Frye et al with a rotary press is considered an obvious use of the sheet stacking device for one of ordinary skill in the art since it is well known that such stacking apparatus are employed to stack the output from rotary presses.

7. Claims 7, 8, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiltmann et al in view of Villaceros Fernandez.

Hiltmann et al as interpreted above in paragraph 2 teaches everything except a servo motor and drive linkage assembly to move the roller to be moved toward the other roller and the rollers comprising a plurality of laterally spaced rollers. Villaceros Fernandez teaches employing a servo motor and drive linkage to reciprocally move a nip arrangement into proper position (see Fig. 4 and column 3 lines 62-63). Further, Villaceros Fernandez show rollers may be composed of a plurality of laterally spaced rollers 46 (see Fig. 2).

It would have been obvious to one of ordinary skill in the art to employ a servo motor to move one or more of the rollers of Hiltmann et al and to employ a plurality of laterally spaced rollers for the rollers of Hiltmann et al in view of the teachings of Villaceros Fernandez.

8. Claims 7, 8, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frye et al in view of Villaceros Fernandez.

Frye et al as interpreted above in paragraph 3 teaches everything except a servo motor and drive linkage assembly to move the roller to be moved toward the other roller and the rollers comprising a plurality of laterally spaced rollers. Villaceros Fernandez teaches employing a servo motor and drive linkage to reciprocally move a nip arrangement into proper position (see Fig. 4 and column 3 lines 62-63). Further, Villaceros Fernandez show rollers may be composed of a plurality of laterally spaced rollers 46 (see Fig. 2).

It would have been obvious to one of ordinary skill in the art to employ a servo motor to move one or more of the rollers of Frye et al and to employ a plurality of

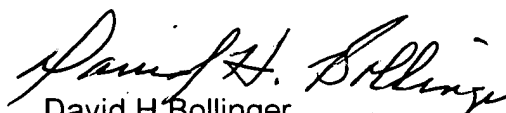
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laterally spaced rollers for the rollers of Frye et al in view of the teachings of Villaceros Fernandez.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-272-6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David H Bollinger  
Primary Examiner 6/25/05  
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